

## **REMARKS**

### CLAIM STATUS

Claims 1-15 have been examined.

Claims 1-5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raschke (US 4,881,635) in view of Steeghs (US 4,961,488).

Claims 6, 7 and 10-15 are objected to, but would be allowable if rewritten in independent form.

### CLAIM ACTION

Claims 1 and 8 have been amended and claims 16-24 have been added. Consequently, claims 1-24 are now pending.

### DISCUSSION

#### Claims 1-7.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raschke in view of Steeghs.

Claim 1 has been amended to include subject matter disclosed in the disclosure as filed (see, for example, figure 1; page 3, lines 17-20, page 5, lines 2-13; page 6, line 25 – page 7, line 4). Claim 1 recites, inter part, that the endless conveyor comprises a single flexible elongated conveying member extending through the input and the output, and that each product is maintained coupled to the same product-holder unit of the single flexible elongated conveying member from the input to the output and along the entire conveying branch.

Raschke discloses that the conveying means comprises two successive conveyor belts

separated by a transition between rollers variable in position; furthermore, Raschke does not disclose the presence of product-holder units. Even by combining the teaching of Raschke with the teaching of Steeghs in order to provide the belts of Raschke with product-holder units, the structure of the unit of Raschke does not allow maintaining each product coupled to the same product-holder unit from the input to the output and along the entire conveying branch.

There cannot be a valid *prima facie* case of obviousness based on the combination of Raschke with Steeghs, because neither of these references shows or even suggests a single flexible elongated conveying member comprising a product-holder unit, which is maintained coupled to the same product from the input to the output and along the entire conveying branch as claimed in claim 1. One would have to completely disregard the teachings of Raschke, which provides two different belt conveyors arranged successively along the conveying branch. There is no suggestion to discard these teachings without using applicants own disclosure as a template, and no such suggestion can be found in the reference in any event. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" MPEP § 2143.03. As stated above, the references do not show or even suggest a single flexible elongated conveying member comprising a product-holder unit, which is maintained coupled to the same product from the input to the output and along the entire conveying branch. The other reference adds nothing of relevance with respect to claim 1.

Accordingly, claim 1 is considered allowable along with claims 2-7 dependent therefrom.

#### Claims 8-16.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raschke in view of Steeghs.

Claim 8 has been amended in order to include subject matter disclosed in the disclosure as filed (see, for example, figure 1; page 3, lines 17-20, page 5, lines 2-13; page 6, line 25 – page 7, line 4). Claim 8 recites, inter part, that the endless conveyor comprises a single flexible

elongated conveying member extending through the input and the output, and that each product is maintained coupled to the same product-holder unit of the single flexible elongated conveying member from the input to the output and along the entire conveying branch.

As disclosed above, neither of the cited references shows or even suggests a single flexible elongated conveying member comprising a product-holder unit, which is maintained coupled to the same product from the input to the output and along the entire conveying branch

Accordingly, claim 8 is deemed allowable. Claims 9-16 depend from claim 8 and thus are allowable therewith.

The feature recited in new dependent claim 16 (a central portion of said conveying branch has an "S" shape) is present in the disclosure as filed; see, for example, figure 2.

#### Claims 17 and 18.

Claim 17 incorporates the subject matter of original claims 1, 4, 5 and 6. Such subject matter has been indicated as allowable in the office action. Accordingly, claim 17 is deemed allowable. Claim 18 depends from claim 17 and corresponds to original claim 7. Thus also claim 18 is deemed allowable.

#### Claims 19-24.

Claim 19 incorporates the subject matter of original claims 8 and 10. Such subject matter has been indicated as allowable in the office action. Accordingly, claim 19 is deemed allowable. Claims 20-24 depend from claim 17 and correspond to original claims and are also allowable.

## CONCLUSION

In view of the above action and comments, it is submitted that the claims as now presented are in allowable condition. Favorable action is respectfully solicited.

Respectfully submitted,

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